

STATE OF CONNECTICUT
BOARD OF EXAMINERS FOR NURSING

Rec'd
6-3-92
JB

Department of Health Services v.
Elizabeth Eppers, LPN, License No. 022305
P. O. Box 92
Taftville, CT 06380
CASE PETITION NO. 900322-11-010

MEMORANDUM OF DECISION

INTRODUCTION

The Board of Examiners for Nursing (hereinafter the "Board") was presented by the Department of Health Services (hereinafter the "Department") with a Statement of Charges dated May 14, 1991. (State's Exhibit 3) The Statement of Charges alleged violations of certain provisions of Chapter 378 of the General Statutes of Connecticut by Elizabeth Eppers, LPN, (hereinafter the "Respondent").

The Board issued a Notice of Hearing dated May 22, 1991. (State's Exhibit 3) The hearing originally scheduled for October 11, 1991 was continued at the request of the Department (Hearing Transcript, February 20, 1992, pp. 12-13) and rescheduled to February 20, 1992. (State's Exhibit 1) The hearing on February 20, 1992 was continued by the Board. (Hearing Transcript, February 20, 1992, pp. 15-18)

The hearing was rescheduled and heard on March 25, 1992 in Room 112, National Guard Armory, Maxim Road, Hartford, Connecticut. (State's Exhibit 5)

Each member of the Board involved in this decision attests that he/she was present at the hearing or has reviewed the record, and that this decision is based entirely on the record and their specialized professional knowledge in evaluating the evidence.

FACTS

Based on the testimony given and the exhibits offered into evidence, the Board made the following findings of fact:

1. Elizabeth Eppers, hereinafter referred to as Respondent, was aware of the time and location of the hearing. State's Exhibit 4 indicates that the Statement of Charges and notification of this hearing were sent to the Respondent by first class postage prepaid mail. State's Exhibit 5 indicates that notice of the location and time of this hearing were delivered by certified mail to the Respondent's address.
2. The Respondent was not present on either hearing date and was not represented by counsel. (Hearing Transcript, February 20, 1992, p. 3) (Hearing Transcript, March 25, 1992, p. 5)
3. Pursuant to the General Statutes of Connecticut Section 4-182(c), the Respondent was provided full opportunity prior to the institution of agency action to show compliance with all the terms for retention of her license. (State's Exhibit 2)

4. On or about February 1990 the Respondent, while the holder of Connecticut Practical Nurse License No. 022305, was employed as a staff nurse at Norwichtown Convalescent Home, Norwich, Connecticut. (State's Exhibits 6-7)
5. That on February 10, 14, 15, 16 and 17, 1990, while employed as a staff nurse at Norwichtown Convalescent Home, the Respondent signed out doses of the controlled substance Percocet on proof of use sheet 2200729 indicating that Percocet was administered to patient Pedace Bruno. (State's Exhibits 6-7)
6. The controlled substance Percocet contains the narcotic Oxycodone. (State's Exhibit 6)
7. That on February 15, 1990 a urinalysis ordered for patient Pedace Bruno was negative for the presence of the narcotic Oxycodone. (State's Exhibit 6) (Hearing Transcript, March 25, 1991, p. 10)
8. The Respondent admitted to Department of Consumer Protection, Drug Control Agents Stanley Kornacki and Herbert Strickland, that she diverted for her own use the Percocet doses she had documented as being administered to patient Pedace Bruno (proof of use sheet 2200729) on February 10, 14, 15, 16 and 17, 1990. (State's Exhibits 6-7)
9. The Respondent admitted to Department of Consumer Protection, Drug Control Agents Stanley Kornacki and Herbert Strickland, that while working the 11:00 p.m. - 7:00 a.m. shift on February

20-21, 1990 at Norwichtown Convalescent Home she diverted for her own use the controlled substances Fiorinal at 11:30 p.m. and 1:00 a.m.; Percocet at 3:00 a.m.; APAP with Codeine at 5:00 a.m. and Vicodin at 6:00 a.m. The Respondent falsely documented on proof of use sheets that these medications were administered to patients. (State's Exhibits 6-7)

10. The Respondent further admitted that during approximately 1988, she began diverting controlled substances for her own use from patient stock at facilities where she was employed as a nurse. (State's Exhibits 6-7)

DISCUSSION AND CONCLUSIONS

The FIRST COUNT of the Statement of Charges alleges the Respondent, on or about February 1990 while employed as a licensed practical nurse at Norwichtown Convalescent Home, Norwich, Connecticut, "diverted the controlled substances Percocet, Fiorinal and Vicodin to her own use."

The Respondent was not present at the hearing to answer to this charge.

Based on the Respondent's admission to Department of Consumer Protection Drug Control Agents Stanley Kornacki and Herbert Strickland (FACTS 8-10), the Board concludes that the Respondent diverted for her own use the controlled substances Percocet, Fiorinal and Vicodin from Norwichtown Convalescent Home and fraudulently documented on proof of use sheets that the diverted controlled substances were administered to patients.

The Board further concludes that by diverting controlled substances for her own use, the Respondent abused said substances.

The General Statutes of Connecticut Section 20-99(b) prohibits conduct which fails to conform to the accepted standards of the nursing profession, which includes "... (5) abuse or excessive use of drugs, including alcohol, narcotics or chemicals; (6) fraud or material deception in the course of professional services or activities...."

The Board concludes that the Respondent's conduct as specified in the First Count is a violation of the General Statutes of Connecticut Sections 20-99(b)(5) and 20-99(b)(6) and therefore renders the Respondent subject to disciplinary action pursuant to the General Statutes of Connecticut Section 19a-17.

ORDER

Pursuant to its authority under the General Statutes of Connecticut Section 19a-17 and 20-99, the Board hereby orders:

1. That for the First Count, the practical nurse license of the Respondent be revoked.
2. That the date of revocation shall become effective on July 18, 1992.

The Board of Examiners for Nursing informs the Respondent, Elizabeth Eppers, and the Department of Health Services of the State of Connecticut of this decision.

Dated at *Hartford* , Connecticut, this *2* day of *June* , 1992.

BOARD OF EXAMINERS FOR NURSING

By

Janice Thibodeau

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